



OFFICE OF THE CITY CLERK ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President

Angela Holmes, City Clerk

BOARD OF ESTIMATE AND APPORTIONMENT

MEETING MINUTES

DPW Conference Room, 3rd Floor City Hall

Wednesday July 23, 2014

Call to Order. Called to order at 11:27am by Richard C. David, Mayor.

Board Members Present: Richard C. David, Mayor; Chuck Shager, Comptroller; Kenneth J. Frank, Corporation Counsel; Philip T. Krey, City Engineer; Gary Holmes, Commissioner of Public Works

Board Members Absent: None

Also Present: Angela Holmes, City Clerk; Gerald Kennicutt, Deputy Comptroller; Jared Kraham, Executive Assistant to the Mayor; Robert Murphy, Director of Economic Development; Brian Seachrist, 1st Assistant Corporation Counsel

ITEMS CONSIDERED

Permanent Easement for Portion of 70-72 Court Street. Request to enter into an agreement for a permanent easement for a portion of 72 Court Street, submitted by 33 State Street Associates. Alan Pope, Andrew Urso and Larry Pasquale attended the meeting held January 15, 2014 to discuss the proposal. The Board reviewed this matter, and concluded that any agreement should be limited to the space required for a stairway, but should not include space for a patio. The Board of Contract and Supply approved a Request for Sealed Bids for 70-72 Court Street at a meeting held on February 12, 2014. Such Request for Sealed Bids includes a restriction stating that the sale would be subject to a permanent easement for pedestrian ingress and egress from a basement stairwell at 92 State Street, but that construction above the stairwell would be permitted. Kenneth J. Frank to discuss the details of the permanent easement with Mr. Pope. Item held.

8 Meadow Street. Offer to purchase 8 Meadow Street for \$100, submitted by Tonya Dakari on December 23, 2013. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement and the Department of Planning, Housing & Community Development on January 2, 2014. Steve Quinn responded on January 3, 2014, stating that this property is one of several properties that the First Ward Action Council is scheduled to purchase and develop under the City's Restore NY grant application and NYS Tax Credit application. Scott Snyder responded on January 3, 2014, confirming that the property is listed as a Restore NY property. Mayor David met with Jerry Willard from First Ward Action Council, who indicated that they are still slated to receive funding for the development of the property. First Ward Action Council should know the outcome within the next few months. Item held pending confirmation of funding for First Ward Action Council.

19 Emma Street. Request to donate 19 Emma Street to the City of Binghamton. Submitted by Staiman Industries, Inc. on May 7, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement and the Department of Planning, Housing & Community Development on May 7, 2014. Scott Snyder responded on May 21, 2014, stating that he is not in favor of accepting the donation, noting that the City recently auctioned off surplus properties in the City's inventory. Tom Costello responded on May 23, 2014, agreeing with the Assessor's comments. Jennie Skeadas-Sherry responded on May 30, 2014, noting that it is an industrial site, formerly used by a recycling company. She stated that Planning is not in favor of accepting the donation at this time. Ms. Skeadas-Sherry requested a Phase I Environmental Assessment, with the intent to revisit the request to donate the property upon receipt of the results, as Economic Development has expressed interest in the site. E&A referred the matter to Economic Development



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on June 6, 2014. Ms. Skeadas-Sherry responded on July 2, 2014, stating that the property is within the Endicott-Johnson Industrial Spine BOA, which is a Broome County project. A review of New York State databases shows that there are no recorded spills on the property, but there is a history of keeping storage tanks on site. No environmental information is available. Item held.

336 Court Street. Offer to purchase a strip of land in front of 336 Court Street in order to erect a sign. Submitted by ScottTech. Mr. Murphy noted that the property is located in New York State Department of Transportation's right-of-way. Mr. Holmes and Mr. Murphy will review this matter to obtain additional clarification. Item held.

Flynn Avenue. A combined offer to purchase Flynn Avenue, received from John W. Young & Associates on behalf of Binghamton Giant Market, Inc. and Vestal Penn Enterprises, Inc. for \$500 per applicant. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and the Office of Economic Development on June 27, 2014. Thomas Costello responded on July 1, 2014, stating that Flynn Avenue is a paper street, mostly undeveloped except for a small portion, intersecting Vestal Avenue, which was developed with asphalt. Mr. Costello recommends obtaining additional information prior to issuing a recommendation. Jennie Skeadas-Sherry responded on July 2, 2014. The parcel is in a C-4 zoning district, where the minimum lot size is 6,000 SF. The proposal would create three non-conforming lots (5,983 SF / 289 SF / 1,228 SF). Ms. Skeadas-Sherry requested additional information and clarification on the necessity for subdivision and the creation of non-conforming lots. Scott Snyder responded on July 2, 2014, stating that the offer price of \$500 per applicant is low and unacceptable. Mr. Garbarino and Mr. Young attended the meeting on July 16, 2014 and provided clarification on the proposal. Mr. Holmes noted that the City would require an easement for a sewer line which extends into the street, should the sale be approved. Mr. Snyder stated that the fair market value for the property is \$6,200. Mr. Garbarino and Mr. Young will consider the price, and will contact the City if they are interested in pursuing this matter. Item held.

Approval of Minutes. Motion to approve the minutes from the Board of Estimate and Apportionment meeting held on July 16, 2014.

Moved by Frank, seconded by Holmes.

Motion carried. (Vote 5-0)

Ayes: David, Shager, Frank, Krey, Holmes

Nays: None

Executive Session. Motion to enter into Executive Session at 11:32am to discuss litigation.

Moved by Frank, seconded by Shager.

Voice vote, none opposed.

Reconvene. Called to order at 11:37am by Richard C. David, Mayor.

Board Members Present: Richard C. David, Mayor; Kenneth J. Frank, Corporation Counsel; Chuck Shager, Comptroller; Philip T. Krey, City Engineer; Gary Holmes, Commissioner of Public Works

Board Members Absent: None

Also Present: Angela Holmes, City Clerk; Jared Kraham, Executive Assistant to the Mayor; Robert Murphy, Director of Economic Development; Brian Seachrist, 1st Assistant Corporation Counsel



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Potential Settlement. Motion to authorize Corporation Counsel to proceed with the Ellsworth and Abbott settlements as discussed in Executive Session.

Moved by Frank, seconded by Holmes.

Motion carried. (Vote 5-0)

Ayes: David, Shager, Frank, Krey, Holmes

Nays: None

Budget Transfer. Request to transfer various funds within the 2014 budget for continued pothole repairs, as outlined in RL 14-99. Presented by Gary Holmes, Commissioner of Public Works. The request would transfer a total of \$50,000 from various budget lines to budget line A5110.54130 (Construction Materials). The budget lines from which the funds shall be transferred are as follows:

<u>From Budget Line</u>	<u>Amount</u>
A1490.51000 (Personal Services—Superintendent of City Streets)	\$6,060
A1620.51000 (Personal Services – Master Electrician)	\$16,830
A8160.51000 (Personal Services – St. Maintenance Supervisor)	\$2,110
A5110.51800 (Temporary Services)	\$5,000
A5110.54620 (Equipment Repairs & Maintenance)	\$5,000
A1490.54190 (Uniforms)	\$5,000
A1490.54701 (Travel & Training)	\$5,000
A8160.52600 (Equipment)	\$5,000

Motion to approve budget transfers.

Moved by Frank, seconded by Holmes.

Motion carried. (Vote 5-0)

Ayes: David, Shager, Frank, Krey, Holmes

Nays: None

9 Slauson Avenue. Potential lease of parking spaces at 9 Slauson Avenue to the developers of proposed restaurant at 181 Clinton Street. Presented by Robert Murphy, Director of Economic Development.

4 Yager Street. Jason Marsh submitted an Offer to Purchase 4 Yager Street for use as green space. This offer was approved by the Board of Estimate & Apportionment on July 16, 2014, and an RL authorizing the sale was signed out by City Council on July 21, 2014. Mr. Marsh has requested an amendment to the original proposal, asking to keep the garage currently located on the property. City Council had no objection to this proposal, subject to the Board's approval. Scott Snyder sent an email on July 23, 2014, stating that given the condition of the property the new price should be \$2,300 total (\$500 for the lot, \$1,800 for the garage). Ms. Holmes will contact the applicant to see if this price is acceptable. Item held.

Adjournment. Motion to adjourn at 11:48pm.

Moved by Holmes, seconded by Krey.

Voice vote, none opposed.